

25. (New) The method according to claim 24, wherein the address of the destination user agent includes the real IP address of the destination user agent.

26. (New) The method according to claim 1, wherein the redirect server tracks status of at least one destination gateway.

27. (New) The method according to claim 16, wherein the call setup request identifies the destination user agent by specifying the address of the destination user agent.

28. (New) The method according to claim 27, wherein the address of the destination user agent includes the real IP address of the destination user agent.--

R E M A R K S

Claims 1-22 are pending in the application. In the Office Action of April 24, 2001, the Examiner rejected claims 13 and 16-18 under 35 U.S.C. § 112, second paragraph, as failing to set forth the subject matter which applicants regard as their invention. In addition, the Examiner has rejected claims 1-15 and 19-22 under 35 U.S.C. § 103(a) as being unpatentable over Schulzrinne in view of Regnier et al. and Patel et al. Furthermore, the Examiner rejected claims 16-18 under 35 U.S.C. § 103(a) as being unpatentable over Schulzrinne in view of Regnier et al. In response, Applicants have amended claims 1, 5-6, 10, 13, 19, 21 and 22 and added new claims 23-28. Applicants reserve the right to pursue the subject matter of the

original claims in this application and in other applications. No new matter has been added. Reconsideration and further examination are respectfully requested.

Rejection of Claims 1-15 and 19-22 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 1-15 and 19-22 under 35 U.S.C. § 103(a) as being unpatentable over Schulzrinne in view of Regnier et al. and Patel et al. Reconsideration and withdrawal of these rejections are respectfully requested.

Before responding to the Examiner's specific rejections, it is important to note several important aspects of the Applicants' invention. Applicants' invention is directed to "a method and system for selecting gateway(s) for routing calls through a packet-based telecommunications network interconnected with a public telecommunications network." Applicants' Specification: page 1, Field of the Invention. In Applicants' invention, a "gateway is dynamically selected to establish a communication session" between a source user agent included in one public switched telephone network and a destination user agent included in another public switched telephone network. Applicants' Specification, page 4, lines 5-8. See also, Applicants' Specification, page 8, line 17 to page 10, line 9. Thus, in Applicants' invention, the source user agent and the destination user agent are known and a communication path is established dynamically between the source user agent and the destination user agent. A call request from the source user agent specifies the destination user agent for which a communication path is needed. Applicants' Specification, page 12, line 4 to page 13, line 2.

In contrast to Applicants' invention, in Schulzrinne, one of the goals that must be accomplished is to "locate a terminal...where the called party can be reached." Schulzrinne, page 68, end of column 1 to column 2, line 3. Moreover, Schulzrinne's disclosed SIP "server

can act as a proxy and issue an invitation" if the called party is not located at one terminal and the SIP server knows another terminal where the called party might be located. Schulzrinne, page 69, column 1. Thus, in Schulzrinne the terminals to be connected are determined dynamically based on the party being called. In addition, the INVITE from the client to the SIP server must include the name of the invitee (i.e., the party being called), but does not identify a destination user agent. Schulzrinne does not disclose how a party connected via a public switched telephone network can be in communication with another party connected via a public switched telephone network.

Among other things, Schulzrinne does not disclose, teach or suggest "receiving a call setup request at the at least one proxy server from the source user agent, wherein the source user agent is included in a public switched telephone network and the call setup request identifies the destination user agent," as recited in Applicants' amended claim 1. In addition, Schulzrinne does not disclose, teach or suggest "proxying the call setup request by the at least one proxy server to a destination gateway selected from said routing information upon receiving the routing information from the redirect server, wherein the selected destination gateway can communicate with a public switched telephone network that includes the destination user agent" as recited in Applicants' amended claim 1.

In regard to Applicants' claim 19, Schulzrinne does not disclose, teach or suggest a method for completing a communication session using an IP network between a source user agent in a public switched telephone network and a destination user agent in a public switch telephone network, wherein the source user agent provides a call setup request that identifies the destination user agent and wherein the method includes "transmitting a message to one of said plurality of destination gateways from a server to ascertain an availability status of said one of

said plurality of destination gateways, wherein said one of said plurality of destination gateways can communicate with the public switched telephone network that includes the destination user agent" and "transmitting said message to a succeeding gateway of said plurality of destination gateways, wherein said succeeding gateway can communicate with the public switched telephone network that includes the destination user agent" as recited in Applicants' amended claim 19.

Neither Regnier et al. nor Patel et al. are seen to disclose any aspects of Applicants' claimed invention, particularly since neither of the systems discloses establishment of a communication session over a path supported by an IP telephony network and a public switched telephone network, PBX or other network or a communication path between a source user agent in one public switched telephone network and a destination user agent in a public switched telephone network. Moreover, neither Regnier et al. nor Patel et al. disclose a gateway connecting an IP telephony network and a public switched telephone network. In addition, neither Regnier et al. nor Patel et al. is seen to disclose a system wherein status of a destination gateway capable of communicating with a destination user agent included in a public switched telephone network is monitored and information routing information provided based on the status of the destination gateway.

Like Schulzrinne, neither Regnier et al. nor Patel et al. disclose, teach or suggest "receiving a call setup request at the at least one proxy server from the source user agent, wherein the source user agent is included in a public switched telephone network and the call setup request identifies the destination user agent;" as recited in Applicants' amended claim 1. In addition, neither Regnier et al. nor Patel et al. disclose, teach or suggest "proxying the call setup request by the at least one proxy server to a destination gateway selected from said routing

information upon receiving the routing information from the redirect server, wherein the selected destination gateway can communicate with a public switched telephone network that includes the destination user agent" as recited in Applicants' amended claim 1.

In regard to Applicants' claim 19, like Schulzrinne, Regnier et al. does not disclose, teach or suggest a method for completing a communication session using an IP network between a source user agent in a public switched telephone network and a destination user agent in a public switch telephone network, wherein the source user agent provides a call setup request that identifies the destination user agent and wherein the method includes "transmitting a message to one of said plurality of destination gateways from a server to ascertain an availability status of said one of said plurality of destination gateways, wherein said one of said plurality of destination gateways can communicate with the public switched telephone network that includes the destination user agent" and "transmitting said message to a succeeding gateway of said plurality of destination gateways, wherein said succeeding gateway can communicate with the public switched telephone network that includes the destination user agent" as recited in Applicants' amended claim 19.

Since the references cited by the Examiner, either taken alone or in combination, do not disclose, teach or suggest all of the claim limitations recited in Applicants' claim 1 or claim 19, Applicants' claim 1 and claim 19 and all claims depending from claim 1 and claim 19 are patentable over the prior art. See Manual of Patent Examining Procedure, Rule 2142. Thus, withdrawal of the Examiner's rejection of these claims is respectfully requested.

With regard to Applicants' claim 6, Applicants respectfully disagree with the Examiner's assertions. More specifically, since Schulzrinne does not disclose, teach or suggest a source user agent included in a public switched telephone network nor receipt of a call request from such a

source user agent, it cannot be obvious to modify the teaching of Schulzrinne so that a proxy server would count requests from source user agents and assigns priorities to such requests.

With regard to Applicants' claim 8, Applicants respectfully disagree with the Examiner's assertions. More specifically, at most Schulzrinne discloses only that H.323 or ISDN signaling handling may be used and does not disclose, teach or suggest a proxy server that "comprises an H.323 gatekeeper" as claimed by Applicants.

With regard to Applicants' claim 15, Applicants respectfully disagree with the Examiner's assertions. More specifically, as Schulzrinne does not disclose, teach or suggest connection to a destination server that can communicate with a destination user agent included in a public switched telephone network, it cannot be obvious to modify the teaching of Schulzrinne to make only one such attempt to reach such a destination server.

Applicants respectfully disagree with all of the Examiner's assertions regarding the disclosures of Schulzrinne, Regnier et al. and Patel et al., the Examiner's characterizations of the disclosed systems, and the Examiner's application of the references to the Applicants' claims. Moreover, the Applicants do not concede the propriety of these citations. However, given the arguments provided above, further discussion of these references is not required at this time.

Rejection of Claims 16-18 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 16-18 under 35 U.S.C. § 103(a) as being unpatentable over Schulzrinne in view of Regnier et al. As previously discussed above, neither Schulzrinne nor Regnier et al., either alone or in combination, disclose, teach or suggest "a first telephony system including at least one source user agent", "a second telephony system including at least one destination user agent", or an "IP network connected between said first and second telephony

systems" as recited in Applicants' amended claim 16. In addition, neither Schulzrinne nor Regnier et al., either alone or in combination, disclose, teach or suggest "an IP telephony proxy server for selecting one of said plurality of egress gateways for completing said call based on routing information received by the IP telephony proxy server, wherein the IP telephony proxy server receives a call setup request from the source user agent that identifies the destination user agent" as recited in Applicants' amended claim 16. Since the references cited by the Examiner, either taken alone or in combination, do not disclose, teach or suggest all of the claim limitations recited in Applicants' claim 16, Applicants' claim 16 and all claims depending from claim are patentable over the prior art. See Manual of Patent Examining Procedure, Rule 2142. Thus, withdrawal of the Examiner's rejection of these claims is respectfully requested.

Applicants respectfully disagree with all of the Examiner's assertions regarding the disclosures of Schulzrinne, Regnier et al. and Patel et al., the Examiner's characterizations of the disclosed systems, and the Examiner's application of the references to the Applicants' claims. Moreover, the Applicants do not concede the propriety of these citations. However, given the arguments provided above, further discussion of these references is not required at this time.

Rejection of Claims 13 and 16-18 Under 35 U.S.C. § 112, Second Paragraph

The Examiner rejected claims 13 and 16-18 under 35 U.S.C. § 112, second paragraph, as failing to set forth the subject matter which applicants regard as their invention. The Applicants have amended the claims accordingly to more clearly point out and distinctly claim their invention. Withdrawal of the Examiner's rejection of these claims is respectfully requested.

Amendments to Originally Numbered Claims 100, 140, 150, 160, 170, 180, 210 and 220

Applicants have amended originally numbered claims 100, 140, 150, 160, 170, 180, 210 and 220 to refer correctly to claims 10, 14, 15, 16, 17, 18, 21 and 22, respectively. Applicants also note that the Examiner referred to the correct claim numbers in the Office Action and the Applicants have amended the claim numbers to be consistent with the Office Action.

New Claims

Applicants have added new claims 23-28. New claims 24, 25, 27 and 28 are directed to how a source user agent identifies a destination user agent as disclosed by Applicants at page 12 in their specification. New claims 23 and 26 are directed to status tracking by a redirect server of destination gateways are disclosed by Applicants at, among other places, page 9, lines 14-16.

Conclusion

In view of the foregoing, the application is believed to be in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience. In this regard, it should be noted that Applicants' silence with respect to particular comments made in the Office Action (e.g., comments directed to various dependent claims) does not imply agreement with those comments.

If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact Scott B. Allison using the information provided below.

Respectfully submitted,

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Date



Scott B. Allison
Registration No. 38,370
Buckley, Maschoff, Talwalkar, & Allison LLC
111 Elm Street
New Canaan, CT 06840
(203) 972-5985



AMENDED CLAIMS SHOWING CHANGES RELATIVE TO PREVIOUS VERSIONS

1. (Amended) A method for routing calls to a destination gateway to establish a communication session call in a telecommunications network between a source user agent and a destination user agent over a path supported at least in part by a telephone network and an IP network, said IP network including a plurality of ingress and destination gateways, at least one proxy server, and at least one redirect server (RS), said method comprising the steps of:

- a) receiving a call setup request at the at least one proxy server from [a] the source user agent, wherein the source user agent is included in a public switched telephone network and the call setup request identifies the destination user agent;
- b) forwarding the received call setup request to the redirect server [to obtain routing information];
- c) [responding to the forwarded call setup request received at the redirect server by returning said] receiving routing information or a request failure response from the redirect server;
- d) proxying the call setup request by the at least one proxy server to a destination gateway selected from said routing information upon receiving the routing information from the redirect server, wherein the selected destination gateway can communicate with a public switched telephone network that includes the destination user agent;
- e) upon proxying the call setup request [by the at least one proxy server] to the selected destination gateway, waiting for a response [at the at least one proxy server] from the selected destination gateway;
- f) upon [said at least one proxy server] receiving the response from the selected destination gateway within a predetermined time, establishing a communication session using said selected destination gateway; and
- g) if the response is not received within the predetermined time, sending the call setup request to a succeeding destination gateway selected from the routing information and reporting failure of the selected destination gateway to the redirect server, wherein the succeeding destination gateway can communicate with a public switched telephone network that includes the destination user agent.

5. (Amended) The method as claimed in claim 1, wherein said step of receiving a call setup request at the at least one proxy server from [a] the source user agent includes the step of addressing said call setup request to a proxy address of the at least one proxy server.

6. (Amended) The method as claimed in claim 1, wherein said step of receiving a call setup request at the at least one proxy server from the [a] source user agent includes the step of counting a number of received requests subsequent to said call setup request at the at least one proxy server.

10[0]. (Amended) The method as claimed in claim 9, wherein the status of each of said group or destination gateway is one of in-service and out-of-service.

13. (Amended) The method as claimed in claim 10, further including the step of sending a message from the [RS] at least one proxy server to a network manager to record the status of a destination gateway.

14[0]. (Amended) The method as claimed in claim 1, further comprising the steps of forwarding a request failure response to the source user agent upon receiving the request failure response from the at least one proxy server, and terminating the communication session.

15[0]. (Amended) The method as claimed in claim 1, further comprising the step of re-sending the call setup request to the selected destination gateway a predetermined number of times when the response is not received within the predetermined time.

16[0]. (Amended) A system for allowing a call to be completed in a communication session between a calling party and a called party, which comprises:

- a first telephony system including at least one [service] source user agent (SUA);
- a second telephony system including at least one destination user agent (DUA);
- an IP network connected between said first and second [telephone] telephony systems;
- a plurality of ingress gateways for interfacing said IP network to said first telephony system;
- a plurality of egress gateways for interfacing said IP network to said second telephony system;
- an IP telephony proxy server for selecting one of said plurality of egress gateways for completing said call based on routing information received by the IP telephony proxy server, wherein the IP telephony proxy server receives a call setup request from the source user agent that identifies the destination user agent;
- an IP redirect server for providing the routing information to said IP telephony proxy server; and
- a network management system for receiving and storing status changes of destination gateways, said network management system being in communication with said [IP redirect] IP telephony proxy server.

17[0]. (Amended) The system as claimed in claim 16, wherein the IP telephony proxy server is a Session Initiation Protocol (SIP) proxy server.

18[0]. (Amended) The system as claimed in claim 16, wherein the IP telephony proxy server is an H.323 gatekeeper.

19. (Amended) A method for detecting an available destination gateway from a plurality of destination gateways in an IP network for completing a communication session between a [calling party] source user agent in a public switched telephone network and a [called party] destination user agent in a public switched telephone network, wherein the source user agent provides a call setup request that identifies the destination user agent, said method comprising the steps of:

- a) transmitting a message to one of said plurality of destination gateways from a server to ascertain an availability status of said one of said plurality of destination gateways, wherein said one of said plurality of destination gateways can communicate with the public switched telephone network that includes the destination user agent;

- b) waiting for an acknowledge response from said one of said plurality of destination gateways for a predetermined period of time;
- c) determining if said one of said plurality of destination gateways is available if said acknowledge response is received within said predetermined period of time; and
- d) transmitting said message to a succeeding gateway of said plurality of destination gateways, wherein said succeeding gateway can communicate with the public switched telephone network that includes the destination user agent.

21[0]. (Amended) The method according to claim 19, wherein if said acknowledge response is not received within a predetermined period of time, said availability status of said destination gateway is said to be out-of-service.

22[0]. (Amended) The method according to claim 19, wherein if said one of said plurality of destination gateways is determined to be available, then said availability status is determined to be in-service.